

### **REMARKS**

These remarks are responsive to the Office Action mailed on October 27, 2010 ("the Office Action"). The Applicant thanks the Examiner for the examination of the above-referenced Application.

#### **Status of the Claims**

At the time of the Office Action, Claims 22-29 and 33-44 were pending and Claims 22-29 and 34-44 have been rejected. Claims 22, 29 and 33 are amended herein. Support for these amendments may be found throughout the Specification. No new matter is being submitted.

On January 27, 2011, Applicant conducted a telephone interview with the Examiner regarding the subject matter of the instant pending Office Action. Applicant agreed to remove the word "intended" from the various independent claims and replace, where applicable, with the term "selected". This term selected is used throughout the specification. The Examiner agreed that such amendment would overcome the rejection and Applicant provides such amendment herein. Regarding the remaining rejections, Applicant discussed these at length with the Examiner. The amendments provided herein are resultant from the discussion with the Examiner. Applicant agreed to remove the term "readily adjustable during formation" or similar language, in order to remove the ground of rejection. For the remaining rejected phrases, Applicant discussed these with the Examiner and provided support throughout the specification for such. Applicant understood these to be overcome during the discussion except that the Examiner requested one specific discussion set forth further herein.

**35 U.S.C. §112 Rejections**

The Examiner has rejected various claims under 35 U.S.C. §112, first paragraph, for failing to meet written description requirements and under the second paragraph for being indefinite.

Applicant has removed the word “intended” from Claims 22, 29 and 33. Applicant has replaced the word intended with the word selected in Claims 29 and 33. The term selected is already utilized in Claim 22. Applicant discussed this amendment during the interview of January 27, 2011, and Examiner agreed such amendment would overcome the instant rejection.

During the telephone interview with the Examiner, various issues were discussed regarding the formation of the product being claimed. Applicant believes that the Examiner was generally in agreement with the premise that the method of formation of the claimed product was taught in the application. The Examiner, however, requested support for the premise that adjustment of the dye or drum would result in variation of the fiber size being claimed. Applicant understood this to be the only remaining issue following the amendments provided herein as an obstacle overcoming all of the instant §112 rejections.

Applicant sets forth the following explanation for the relationship between the change in fiber size and the adjustment of the at least one of the dye or rotating collector. Applicant respectfully directs the Examiner to Paragraph [0028] which talks about the adjustability of the spacing or height between the dye and the collecting roller. The last sentence of the Paragraph [0028] also refers to the variation of volume and air pressure at the dye being selectable for making a particular film. Applicant also referred the

Examiner to Paragraph [0037] which describes the adjustability range and effect of the distance between the dye and rotating collector.

Applicant now provides the following description which was discussed during the interview. The Examiner is respectfully referred to the various figures showing the multiple die positions which indicate the movability of the dies relative to the rotating collector. The dies can provide material to different locations of the upper quadrants of the rotating collectors. Because of the curved nature of the rotating collectors, the varying locations of the material on those quadrants results in a change in length from the dye to the collector. This change in length can result in change in fiber size. For example, the height from the one o'clock position of a collector to the dye differs from the height from the three o'clock position to the same die. Thus, the height or spacing of the die is adjustable relative to the collector simply by horizontal movement of the die as mentioned to the Examiner. Although the dies (7) are shown in schematic view, all of the dies have small circular objects at the bottom thereof. These are asserted to be wheels or rollers, which provide means of movement of the dyes horizontally relative to the collectors during operation or formation of the various layers and the mat as a whole. Additionally, the various views show the material extending from the dies to various locations along each of the upper quadrants of the collectors. This may be interpreted as support for the adjustable or moveable nature of the material positioning relative to the rotating collector.

Finally, the Examiner is reminded of his analogy which included the following example. In dispensing chocolate syrup for chocolate milk, a stream of chocolate syrup may vary in diameter simply by movement of the bottle away from a glass in which the

syrup is being collected. This same analogy is applicable to the instant application, since horizontal movement of the dies result in a variation of length or stream distance to the rotating collector. As a result, Applicant asserts that the support for the variation of fiber size is provided through the teachings of the application and would be understood by one of ordinary skill in the art.

Applicant believes that with resolution of this outstanding issue, the application is believed to be in condition for allowance and Applicant respectfully requests these ground of rejection be withdrawn.

**CONCLUSION**

The Applicant respectfully submits that the application is in condition for allowance, and reconsideration and notice of allowance are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with the Applicant's counsel, in person or over the telephone, the Applicant's counsel would welcome the opportunity to do so.

Respectfully submitted,

**MIDDLETON REUTLINGER**

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/ James E. Cole /  
James E. Cole  
Registration No. 50,530  
401 South Fourth Street  
2600 Brown & Williamson Tower  
Louisville, KY 40202  
(502) 625-2746 direct phone  
(502) 561-0442 fax  
jcole@middreut.com